GOVERNMENT OF INDIA
LABOUR
LOK SABHA

UNSTARRED QUESTION NO:4166
ANSWERED ON:16.12.2002
INDUSTRIAL DISPUTE ACT, 1947
SURESH RAMRAO JADHAV (PATIL)

Will the Minister of LABOUR be pleased to state:

(a) whether Hon`ble Supreme Court in its decision in 2001 has decisively held that the State Government is the `Appropriate Authority` under the Industrial Dispute Act, 1947 and Contract Labour (R & A) Act, 1970 in respect of Central Public Sector Undertakings;

(b) if so, the details thereof;

(c) whether there is any delay in issuance of appropriate Government order in this regard;

(d) if so, the reasons therefor; and

(e) the time by which an order is likely to be issued?

Answer

MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI ASHOK PRADHAN)

(a) to (c): The Hon`ble Supreme Court in its judgment in the case of Civil Appeal Nos. 6009-6010/2001-Steel Authority of India Ltd. and others v/s National Union Water Front Workers and others dated 30.8.2001, laid down the criteria that the Central Government is the appropriate Government under the Industrial Disputes Act, 1947 for Central Government Company/Undertaking or any other Undertaking included in Clause (a) of Section 2 of Industrial Disputes Act, 1947, any industry carried on by or under the authority of Central Government (such an authority may be conferred either by a Statute or by virtue of a relationship of principal and agent or by delegation of power) or Railway Company or specified controlled industry. Otherwise in relation to any other establishment, the State Government will be the appropriate Government. On the receipt of said judgment the clarification letters were issued by Ministry of Labour to all State Governments on 19.4.2002, clarifying the appropriate Government under the Industrial Disputes act, 1947 in respect of Central Public Sector Undertakings.

(d) & (e): Do not arise in view of answer (a) to (c) above.